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ABSTRACT

Advocates of charter schools claim that the degree of autonomy that legislatures grant charter schools plays a large role in the success of these schools. This report describes an analysis of how legislation in Arkansas, Louisiana, New Mexico, and Texas is transforming the concept of charter schools into an education-reform opportunity for educators, parents, and community members. The text focuses on the legislative variables that influence charter-school autonomy and how these variables serve as indicators of the degree to which state policy appears to promote the emergence of innovative schools. The booklet features three major sections. An overview provides a historical and conceptual context by describing charter-school laws and by presenting the framework for autonomy that guides the analysis of those laws. The second section offers three dimensions of school-site autonomy--autonomy from higher levels of government, autonomy inside the school, and autonomy of parents and students--and gives specific features of charter school law and different levels of detail. The last section highlights the similarities and differences in charter-school autonomy among all four state laws. An appendix offers technical information on the rationale, development, and use of the autonomy framework. (RJM)

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Variations on Autonomy:

Charter School Laws in the Southwestern Region

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The entry of charter schools into the education reform arena is of increasing importance in the region of the nation served by the Southwest Educational Development Laboratory (SEDL). Four of the region's five states—Arkansas, Louisiana, New Mexico, and Texas—have enacted charter school laws, and the Oklahoma legislature has considered a series of charter school bills since 1995. Although it is difficult to predict how and to what extent the movement will expand in these states, there is little doubt that policymakers, practitioners, and researchers alike are seeking information and insights on the movement's progress.

SEDL has examined the initiation of charter schools in these states in an attempt to contribute to understanding of how the charter school movement is conceived of and developed—through both the legislative process and the charter school application process. With the assistance of selected frameworks from research on education policy and practice, investigators analyzed state laws and charter school applications in the Southwestern Region and considered the implications for charter school participants and for the public education system as a whole. This paper is the second in a series of policy papers reporting on that work.

The paper preceding this reported on the charter school concept itself. ***Redefining Education Governance: The Charter School Concept*** (McGree, 1995b) considers the charter school as a model for school reform that has emerged during a time of challenge and change in how public schools are governed and held responsible for student learning. The paper suggests that the charter school concept might be viewed both as a political solution to problems that challenge the public education system and as an educational opportunity that past reforms have been unable to realize.

From a political perspective, the charter school concept responds to political pressure for increased school-site control of education policy setting, implementation, and accountability. From an educational perspective, the concept draws upon an array of values that have been familiar themes in school reform since the early 1980s: innovation, autonomy, accountability, parental choice, teacher professionalism, efficiency, and systemwide improvement. The charter school model attempts to merge these often competing values—balancing autonomy with accountability, teacher professionalism with parental choice, and private-sector principles with public-sector values.

This second policy paper, ***Variations on Autonomy: Charter School Laws in the Southwestern Region,*** turns to consider how charter school laws create the policy context within which charter school organizers conceive of, propose, and implement schools. That context is examined explicitly in terms of charter school autonomy—often considered to be the model's single most critical feature.

We are grateful for the assistance of Priscilla Wohlstetter, University of Southern California at Los Angeles, and Lori Mulholland, Arizona State University at Tempe. Their reviews of an early draft of this paper helped to ensure the accurate and appropriate application of the framework for autonomy developed by Wohlstetter, Wenning, and Briggs (1995) to the charter school laws of Arkansas, Louisiana, New Mexico, and Texas. Further, their comments encouraged expansion of the practical interpretation of this analysis to highlight the role of state policy in establishing parameters for charter school design and implementation. Although state policy is not the only influence on how the charter school movement takes root and expands in a state, it is the first and an ongoing influence. The ways in which legislators initially provide for charter school autonomy and alter state requirements over time create variations in policy and practice that are of interest to both proponents and critics of charter school reform.

We also express our gratitude to Jim Boardman, Assistant Director of Information and Technology, Arkansas State

Department of Education; Brooks Flemister, Senior Director of Charter Schools, Texas Education Agency; Michael A. Kaplan, Assistant Director of the School Program and Professional Development Unit, New Mexico State Department of Education; and Bill Miller, Director of Louisiana LEARN for the 21st Century, Louisiana State Department of Education. These four individuals were valuable sources of information during the development of this paper.

Overview of Charter School Autonomy

Overview of Charter School Autonomy

Charter school advocates assert that a high degree of autonomy over most critical school decisions—including those related to school organization, curriculum, instruction, assessment, personnel, and budget—will enable charter schools to promote real and meaningful educational innovation. Further, proponents insist that charter schools will inject broader and deeper choice into the public school system, thus extending autonomy to those traditionally on the periphery of the school governance arena—parents and students. The end result is assumed to be improved student performance, for which charter schools are willing to be held accountable.

Assuming that school-site autonomy is an important, if not initiating, condition for successful charter school reform, it is useful to examine if and how charter schools are provided autonomy by law. Such is the focus of this paper's review of the four state charter school laws in the Southwestern Region: Arkansas' Act 1126 (1995), Louisiana's Act 192 (1995) and amended in 1997, New Mexico's House Bill 888 (1993), and Texas' Senate Bill 1 (1995) amended in 1997. The result is an analysis of these laws according to a framework of school-site autonomy, developed by Priscilla Wohlstetter, Richard Wenning, and Kerri L. Briggs (1995) and applied to charter school laws in 11 states (see Appendix).

The reader is cautioned to remember that this paper in no way analyzes the intentions of lawmakers in crafting state charter school legislation, nor does it report on the actual experiences of charter school organizers in the Southwestern Region in developing and submitting charter school applications for approval. The analysis draws directly and solely from the language of the four state charter school laws.

Goal of the Analysis

The goal of this analysis is to discover how legislation in Arkansas, Louisiana, New Mexico, and Texas is translating the concept of charter schools into an education reform opportunity for educators, parents, and community members. The specific focus is on the legislative variables that influence charter school autonomy. These variables (such as how public education funds are directed to charter schools) serve as indicators of the degree to which state policy appears to promote the emergence of schools likely to design innovative educational programs.

This kind of examination is important for two reasons. First, it provides insight into how state education policy provisions may serve to encourage or constrain the charter school movement. Policymakers and the public will benefit from a better understanding of how legislative variables establish explicit and implicit options for charter school initiation, design, application, and approval. Such information could be invaluable as they interpret reports of charter school implementation results, assess existing law in light of changing legislative intent, or propose new or amended charter school legislation.

Second, this comparative analysis of the four state laws in SEDL's region contributes to the ongoing inquiry and debate within the research community that surrounds the potential of the charter school movement. Proponents and critics alike are interested in the relationship between charter school autonomy and implementation results (curriculum and instructional innovation, high student performance, improved school accountability). Within both camps, the goal of the charter school movement is understood not simply as the creation of a few exceptional schools but rather as a catalyst for fundamental change and improvement throughout the entire public school system. A discussion of charter school autonomy in law may lay groundwork critical to

understanding the strategy's ultimate success or failure to deliver on its promises.

Organization of the Document

There are three major sections in the body of this paper. The first, this Overview section, provides an historical and conceptual context for the reader by describing the charter school laws in Arkansas, Louisiana, New Mexico, and Texas and briefly presenting the framework for autonomy that guides the analysis of those laws (Wohlstetter et al., 1995).

The second section, Charter School Autonomy in the Southwestern Region, is organized to provide readers an opportunity to take a selective path through the descriptive analysis. Within each of three dimensions of school-site autonomy—Autonomy from Higher Levels of Government, Autonomy Inside the School, and Autonomy of Parents and Students—specific features of charter school law and different levels of detail are provided as follows:

- The dimension of school-site autonomy is briefly discussed as it applies to charter schools. Five variables, or conditions, considered to provide a high degree of autonomy in this area are identified (Wohlstetter et al., 1995).
- Each condition is further defined and a broad "decision rule" presented to distinguish among legislative provisions in terms of greater and less autonomy (Wohlstetter et al., 1995). Based on this rule, evidence is presented to illustrate how each charter school law provides for the condition. Tables summarize all of the evidence by condition, across the dimension.
- A discussion section analyzes and compares findings across the four states, and suggests implications specific to the particular dimension of autonomy for the charter school movement in the region.

Finally, a Conclusion highlights the most remarkable similarities and differences in charter school autonomy among all four state laws. This section also raises issues for consideration in the third and final phase of SEDL's investigation of charter schools in the Southwestern Region—an examination of charter school design through the systematic review of school-site applications proposed by early charter school organizers in New Mexico and Texas.

Following the body of the paper is an Appendix that offers technical information on the rationale, development, and use of the autonomy framework by Wohlstetter et al. (1995). Included in the description are examples of high-autonomy states outside of the Southwestern Region, to provide a national context for considering the charter school state policies of Arkansas, Louisiana, New Mexico, and Texas.

Charter School Laws in the Southwestern Region

The recent and rapid proliferation of charter school laws across the country has left no region untouched. In 1991, only one state, Minnesota, had enacted charter school legislation. Three years later, 10 other states had followed suit. During legislative session 1995 alone, more than 20 additional states considered charter school legislation. Today, 25 states and the District of Columbia have adopted charter school laws—bringing half of the nation's states into a reform movement that began a scant six years ago (RPP International & University of Minnesota, 1997).

In theory, charter schools operate as legally and financially autonomous entities. In exchange for freedom from most local and state education codes, charter schools are held to a higher standard of accountability: in their contract, charter school organizers must commit to a specific set of student outcomes and the means for attaining these outcomes. In addition to

In exchange for freedom, charter schools are held to a higher standard of accountability.

being held accountable for results, charter schools are also accountable to the demands of the educational marketplace. As schools of choice, they must respond effectively to the needs and preferences of students and parents. In order to meet these demands, charter schools are granted considerable decisionmaking authority with regard to curriculum, instruction, budget, and personnel.

In practice, however, charter school legislation often represents a profound departure from the charter school "concept" as it was originally intended. Like most reform efforts, decisions regarding if and how to embark on charter school reform have involved debate and compromise. As a result, legislative provisions for charter schools vary tremendously from state to state. Charter school laws in the Southwestern Region exemplify this variation:

In practice, charter school legislation often represents a profound departure from the charter school "concept" as it was originally intended.

Arkansas. In 1995 the Arkansas legislature passed Act 1126—establishing a procedure whereby any existing public school can petition the state board of education (SBoE) for charter status. The bill provides for an unlimited number of charters that will initially be granted for a three-year period. All proposals must receive the approval of the local school board and support from practitioners and the public, including the teachers' organization representing a majority of teachers affected by the conversion to charter status. To date, few charter school proposals have been submitted, and none has been approved by the SBoE. Legislation introduced but defeated during the 1997 legislative session would have eased requirements on schools wishing to convert to charter status.

Louisiana. In 1995 Louisiana authorized charter school demonstration programs in eight city or parish school systems. Through Act 192, the legislature instructed the Board of Elementary and Secondary Education (BESE) to grant chartering authority to eight school systems that would retain sole responsibility for the approval of individual charter school applications. The school systems with chartering authority could sponsor no more than one charter school for every 20,000 students residing within their jurisdiction. In addition, local boards could submit proposals for one or more additional charter schools in their system for state approval. In the spring of 1996, the eight local systems granted chartering authority considered charter school proposals. A total of three schools were approved to open in fall 1996.[7]

During the 1997 legislative session, Louisiana legislators amended the state's charter school law, significantly revising the chartering process. Under the new law, chartering authority has been extended to every city and parish school system in the state. Charter schools themselves have also been redefined and classified into four different categories: "type 1" charter schools are new schools operating as the result of a charter between the nonprofit corporation created to operate the school and a local school board; "type 2" charter schools are new schools operating as the result of a charter between the nonprofit corporation created to operate the school and BESE; "type 3" charter schools are preexisting public schools that are converted as the result of a charter between a nonprofit corporation and a local school board; and "type 4" charter schools are either preexisting public schools converted or new schools operated as the result of charter between a local school board and the BESE. Rules and regulations governing the creation and operation of these schools often vary according to the "type" of school.[8] Finally, the law revises the number of charters that can be granted; chartering authorities can now authorize up to a total of 42 charter schools statewide by the year 2001.

New Mexico. With the passage of House Bill 888 in 1993, New Mexico became the third state in the nation to enact charter school legislation. The law authorizes the SBoE to establish no more than five charter schools, each charter for a period not to exceed five years. In 1994 four schools applied and won approval to convert to charter status—two high

schools, a middle school, and an elementary school. A fifth and final school, a middle school, converted to charter status in the fall of 1996.

Texas. In 1995, Senate Bill 1 authorized an unlimited numbers "a charter for a campus or a program on a campus"—i.e., "campus and campus program" charter schools—and up to 20 "open-enrollment" charter schools. These two categories of charter schools represent significantly different opportunities. Local boards of education are responsible for granting charters to existing public school campuses or programs on individual campuses. The SBoE grants charters for open-enrollment charter schools, which are considered new-start schools and can enroll students from across the state, to eligible public and private institutions of higher education, nonprofit organizations, or governmental entities. Seventeen of the 20 open-enrollment schools initially approved opened in the fall of 1996, two opened in the fall of 1997, and the remaining school surrendered its charter due to failure to open.

In 1997, the Texas legislature amended the state education code to include a second kind of open-enrollment charter—"public education grant charters." The new law authorizes the SBoE to award an additional 100 charters to new-start schools that adopt an express policy of admitting students who are eligible for a public education grant. The law also provides for an unspecified number of additional open-enrollment charters to be awarded to new schools designed to serve student populations of which at least 75 percent of the students have dropped out or are at risk of dropping out of school. In March 1998, the SBoE considered 83 applications for the second generation of open-enrollment charter schools and approved 41. These schools are expected to open for the 1998–1999 school year. The SBoE also agreed to consider the other 42 applications for approval as open-enrollment schools serving students at risk.

Local school boards are not required to report approval of campus and campus program charter schools, so an accurate number of locally approved charter schools is not available.

While the charter school laws in these states differ significantly in their scope and purpose, at the most fundamental level each is designed to provide some degree of school-site autonomy greater than that offered to other schools in the public education system. At the heart of this legislation is the belief that such autonomy might foster instructional innovation and improve student performance. A closer examination of each state's charter school law may provide insights into exactly what and how autonomy is provided to charter schools.

Framework for Autonomy

Opportunities for and constraints on the autonomy of local schools—whether traditional or charter—are determined largely by state legislation and the resulting rules and regulations set by state boards and departments of education. Wohlstetter, Wenning, & Briggs (1995) remarked:

> If charter schools are to afford school participants the autonomy to design and implement reforms for creating high performance schools, then a key question focuses on the extent to which legislative policies promote such autonomy (p. 2).

While it has been suggested that autonomy may be the key to charter school success, and autonomy is the second most important reason given by charter school organizers for founding their school (RPP International & University of Minnesota, 1997), the concept as it relates to charter schools still lacks clarity. Any examination of charter school autonomy in the Southwestern Region, thus, must first begin with a definition of autonomy.

Wohlstetter et al. (1995) provide such a definition and offer an analytical framework for examining variations among state policies with regard to charter school autonomy (see Table 1). Noting a lack of consensus within the education community regarding the critical elements of autonomy, Wohlstetter et al. (1995) began by conducting an extensive review of the relevant literature in education and political science. As a result of their findings, the authors concluded that school autonomy is multidimensional and includes three critical components:

- Autonomy from higher levels of government
- Local or organizational autonomy (autonomy inside the school)
- Consumer sovereignty (autonomy of parents and students).

The framework permits a thorough examination of the issues related to charter school autonomy. Moreover, the framework also serves as a benchmark against which to assess variations in charter school autonomy.

Applying the Framework

The framework developed by Wohlstetter et al. (1995) is particularly useful for comparing charter school laws in the Southwestern Region because it provides an organizational structure that is rich in detail and, therefore, permits a thorough examination of the issues related to charter school autonomy. Moreover, the framework also serves as a benchmark against which to assess variations in charter school autonomy among the chartering states in this region of the nation.

While the framework was originally designed to measure the extent to which state policies actually foster charter school autonomy, this paper does not use it either to rank the state laws under consideration or to make implied value statements about the results of the analysis. Rather, for purposes of this discussion, the framework is used to make broader, more general comparisons of the charter school legislation among the four states. Such comparisons serve as indicators of the degree to which these states' laws are likely to encourage the emergence of charter schools that foster instructional innovation and improve student performance. Further, the comparative analysis allows speculation about the challenges and opportunities facing the states of the region as they implement charter schools.

Autonomy from Higher Levels of Government	Autonomy Inside the School	Autonomy of Parents and Students
The charter school application and approval process is between school organizers and the state.	The charter school determines its own school governance structure, policies, and procedures.	Parents can start a charter school.
The school has independent legal status, with full legal rights and responsibilities.	The school has control over personnel and conditions of employment.	The kind of school eligible for charter status is broad, including existing and new, separate and school-within-a-school, public and private schools.
The school receives rule exemptions via a blanket waiver of state and local rules and regulations.	School-funding formulas are set, and budget decisions are not subject to negotiation with the district or state.	The school is subject to district- or statewide parental choice.
Operational funding is received directly from the state.	Curriculum, instruction, and student assessment are under the control of the school.	The total number of schools eligible for charter status represents more than 10 percent of the state's existing schools.
Reporting requirements are established solely by agreement with the charter sponsor.	Student admission standards can differentiate among applicants and guide student selection.	The school ensures community accountability through periodic progress reports to parents and the community.

TABLE 1: Framework depicting legislative provisions for high charter school autonomy. Wohlstetter et al., 1995.

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Charter School Autonomy in the Southwestern Region

Autonomy from Higher Levels of Government

This dimension of autonomy establishes the type of relationship that will exist between a charter school and higher levels of government in the public school system (that is, the school board serving the local community and the state board of education). As such, it effectively defines the legal and fiscal context within which the charter school operates.

School autonomy is highest when laws limit the influence of the district and state, shifting the balance of power to the school site.

Higher levels of government can enact policies that influence local autonomy in either of two ways: (1) by limiting local powers of action and/or imposing obligations on the local government that require them to act in a prescribed way or (2) by enhancing powers of local control with initiatives that grant new powers and/or eliminate existing constraints. School autonomy is highest when constraints are removed and self-management is possible.

A high degree of autonomy from higher levels of government, however, should not be confused with complete freedom or independence. Rather, this dimension of school autonomy is characterized by a "power-sharing" arrangement whereby school-level participants are free to make decisions within a broader context of policy guidelines established at the district, state, and national levels. This arrangement establishes high expectations for schools but provides educators with the freedom to decide how the expectations can best be met.

In emphasizing the relationship between charter schools and higher levels of government, this dimension of autonomy focuses on the degree to which charter school autonomy is constrained by the policies and practices of the school district and the state. School autonomy is highest when laws limit the influence of the district and state, shifting the balance of power to the school site. The autonomy of charter schools from the district and state is believed to be enhanced when laws provide for the following five conditions:

- The charter school **application and approval process** is between school organizers and the state.
- Charter schools are granted independent **legal status**, with full legal rights and responsibilities.
- Charter schools receive **rule exemptions** via a blanket waiver of state and local rules and regulations.
- Charter schools receive operational **funding** directly from the state.
- **Reporting requirements** for charter schools are established solely by agreement with their charter sponsor.

The Application and Approval Process

Applications for charter status are typically approved at the local or state level, and occasionally at both levels. When local approval is required, the terms of the charter school contract are often subject to negotiation with district officials and are vulnerable to changes or amendments that satisfy district, rather than individual school, needs for decisionmaking authority or resources. Moreover, requirements to obtain stakeholder support (i.e., parents, teachers, teacher organizations) can present a challenge for charter school organizers.

Wohlstetter et al. (1995) suggest that school autonomy is highest when the application approval process is conducted at the state level or can be appealed to the state level. Autonomy is lowest when charter school applications must be approved at the local level and include requirements for various kinds of stakeholder support.

The Southwestern Region. Charter school laws in the Southwestern Region exemplify the range of school autonomy

as evidenced by the application approval process. Autonomy is seemingly highest in Texas and Louisiana, where state-level approval is available for at least a portion of the states' charter schools, and lowest in Arkansas, where charter approval is dependent on the support of the local board of education. In addition, charter school organizers are required to obtain varying degrees of stakeholder support throughout the region.

In Texas, state-level approval is available for all open-enrollment charter schools. Applications for open-enrollment charter schools, which can enroll students from across the state, are approved by the state board of education and do not require local district approval. Charter school organizers are, however, required to provide evidence of parental support for the charter contract. In contrast, applications for a potentially larger number of campus and program charters in Texas are approved solely by local boards. Unless otherwise required by the local board, these applications must have the support of a majority of participating teachers and parents. It should be noted that nothing in the Texas law prohibits a local board from granting a charter under any conditions it deems necessary and appropriate. On the other hand, the law also explicitly states that a local board cannot "arbitrarily" deny charter status to a campus or school program whose application meets the terms of the law and provides legal recourse for applicants who feel they have been unjustly denied charter status.

In Louisiana, the charter school application and approval process is different for each charter school category. Applications for type 1 charter schools—newly formed schools—and type 3 charter schools—preexisting public schools—are initially submitted to the local city or parish school system. If granted, both types of schools operate under an agreement between a nonprofit organization created to operate the school and the local board. If a proposal for a type 1 charter school is rejected by the local board, or if conditions unacceptable to organizers are placed on the charter, the proposal may be submitted directly to the state board of education. If charter status is approved, the school operates as a type 2 charter school under an agreement between a nonprofit organization created to operate the school and the state board of education. There are no avenues of appeal for type 3 charter schools; if the proposal is rejected by the local board, the chartering process is effectively terminated. Finally, all proposals for type 4 charter schools are made directly to the state. Type 4 charter schools operate under an agreement between a local school board and the state board of education. In Louisiana, preexisting schools may convert to charter status if a conversion petition is signed by two-thirds of the school's full-time faculty and if two-thirds of parents in attendance at a public meeting vote for conversion. There are no requirements for newly formed charter schools to demonstrate specific forms of stakeholder support.

New Mexico also allows charter school applications to be approved at the state level. While existing public schools are required to apply for charter status initially through their local district, and the local board recommends approval or rejection, rejection by the local district does not prevent the school from submitting its application to the state board. Final decisionmaking authority regarding charter applications rests entirely with the state board of education. The state board may grant approval if (among other factors) more than 65 percent of the teachers sign a petition of support and the application shows that parents are supportive and have been involved in the development of the charter.

In New Mexico, however, this relatively high degree of charter school autonomy from local district control is moderated by a budgetary provision that provides school boards with a degree of influence atypical of a state-level application approval process. Although local officials have less formal involvement in the application approval process,

the board has authority to approve or reject the budget of any charter school in its district. To date, local boards have effectively used this authority to exercise significant control over the development and implementation of charter school programs.

In Arkansas, local district approval is required, and no appeals process is available. Applications for charter status are ultimately approved by the state board, but only after they have been approved at the local level. While the state board may request information and hold hearings if an application is rejected, it cannot overturn a decision made by a local board. In order to gain approval, the charter school application must also have support from an organization representing a majority of the teachers affected by the conversion, two-thirds of the employees at the school, and two-thirds of parents present at a designated meeting to discuss the proposal.

Legal Status

How laws provide for charter schools to operate as discrete legal entities, independent from the district, has significant impact on individual school autonomy. Full legal rights tend to be accompanied by full legal responsibility. Thus, Wohlstetter et al. (1995) define legal autonomy primarily in terms of liability: a charter school is legally autonomous if it can sue and be sued. Autonomy is highest when schools can be held legally liable for all decisions and lowest when state laws require charter schools to remain legally part of the local district. In the latter case, the district typically retains ultimate responsibility for all charter school policies and practices.

The Southwestern Region. In this region, laws in two states provide for legally autonomous charter schools. In Louisiana, type 1, type 2, and type 3 charter schools operate as nonprofit corporations that are legally separate from the local school system. Likewise, all open-enrollment charter schools in Texas operate as independent legal entities. In both states, these schools must accept full legal responsibility for their operations, and thus they have the right to sue and be sued.

All other charter schools in the region, including campus and program charter schools in Texas, type 4 charter schools in Louisiana, and charter schools in New Mexico and Arkansas, are not designated as nonprofit corporations. As a result, these schools remain legally part of their local school district and do not have the authority to engage in legal action independent from the district.

Rule Exemptions

Local and state education codes have traditionally dictated nearly every aspect of school operations—everything from class size to curriculum to student assessment. Ideally, charter schools operate unconstrained by external rules and regulations (except those related to health, safety, and civil rights) and are free to make any or all changes to traditional school policy and practice that might enhance student performance.

According to Wohlstetter et al. (1995), charter school autonomy is highest when schools are granted an automatic and "blanket" waiver from all local and state rules and regulations, freeing the schools to make all critical decisions at the school site. Autonomy is lowest when the law requires charter schools to apply for waivers on a "rule-by-rule" basis.

The Southwestern Region. Among the four states, legislative provisions for rule exemptions range from automatic and nearly blanket exemptions in Louisiana and Texas to limited exemptions in Arkansas and New Mexico. Laws in the former two states grant charter schools a relatively high degree of autonomy. Louisiana exempts all types of charter schools from most local and state regulations. Texas exempts all charter schools from most state regulations.

and additionally allows campus and program charters to include specific exemptions from local instructional and academic rules and policies. There are, however, a few exceptions. Most notable are requirements for all Louisiana and Texas charter schools to satisfy state graduation requirements and participate in their state's accountability system (see **Reporting Requirements**).

In Arkansas and New Mexico, autonomy from state and local codes is much more limited. In Arkansas, each individual charter school contract must outline the specific rules and regulations from which the school wishes to be exempted. In New Mexico, charter schools are required to adhere to all state and local codes but may request waivers on an individual basis from the state board of education.

Funding

For Wohlstetter et al. (1995), fiscal autonomy is defined by how money flows to the charter schools. Traditionally, state and local funds have been allocated to individual public schools at the discretion of the local district. With this arrangement, final authority regarding how monies are allocated and spent rests with the local board. As a result, the ability of schools to make financial decisions based on their individual needs is limited. In contrast, charter schools with a high degree of fiscal autonomy are essentially treated as their own school district, receiving their funding directly from the state without any local intervention.

The Southwestern Region. Of all the charter schools authorized in this region, only open-enrollment charter schools in Texas and type 2 charter schools in Louisiana enjoy full fiscal independence. In both instances, all state and local monies are forwarded directly to the charter school.

In the case of campus and program charters in Texas, all other types of charter schools in Louisiana, and all New Mexico charter schools, monies flow through the local district to the charter school. Only legislation in New Mexico, however, specifically authorizes a local district to withhold from the charter school budget those administrative costs directly associated with the review of that budget, unless this provision has been otherwise negotiated between the local district and the charter school. Legislation in Arkansas does not specifically address the issue of school funding.

Reporting Requirements

A final measure of school autonomy from district and state influence concerns accountability. Wohlstetter et al. (1995) maintain that charter schools experience a greater degree of autonomy when they are released from state reporting requirements and are free to design their own accountability systems. In this instance, accountability measures are subject to a mutual agreement between the charter school and its sponsor. School autonomy is lowest when state laws require charter schools to adhere to state performance standards and state reporting requirements. A strong state or district monitoring role is also indicative of low charter school autonomy.

The Southwestern Region. Although some states in this region are willing to allow charter schools flexibility to design student performance objectives and the means for assessing these objectives, none are willing to completely release charter schools from state accountability requirements. Charter schools in each state must participate in state testing programs and are subject to state reporting requirements. Moreover, in each case the state and/or local board retains a monitoring role.

In Arkansas, local school boards and the state board of education will monitor charter school progress during the initial three-year charter period. Schools will submit yearly

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Charter schools with a high degree of fiscal autonomy are essentially treated as their own school district, receiving their funding directly from the state without any local intervention.

Condition	Definition	Evidence of the Condition in Law in: Arkansas	Louisiana
Application and Approval Process	How a charter school application is approved, if special requirements apply, and if there is an appeals process for denials.	The charter is between the state board of education and an existing school after approval by the local school board and with support from the teacher organization, two-thirds of the school employees, and a two-thirds vote of parents. No appeals process exists.	Type 1: Charter is between a local board and a newly formed school. Type 2: Charter is between the state board and an applicant for a Type 1 school, upon appeal after local board rejection. Type 3: Charter is between a local board and a converted public school; no appeal. Type 4: Charter is between the state board and a local board, for a newly formed school or conversion. All conversions require support from two-thirds of the full-time faculty and a two-thirds vote of parents.
Legal Status	What the legal relationship is between charter schools, school districts, and the state.	Charter schools are legally part of the local district.	Types 1, 2, and 3 schools operate as legally independent nonprofit corporations.
Rule Exemptions	How existing state and local education codes, rules, and regulations affect charter schools.	Charters must specify desired exemptions from state and local rules and regulations.	All types receive automatic exemption from most local and state regulations, although they must adhere to state graduation requirements and participate in the state accountability system.
Funding	How state and local education funds are directed to charter schools.	Charter school funding is not addressed in legislation.	Type 2: All state and local funds are forwarded directly to charter schools. Types 1, 3, and 4: Funds flow through the local district.
Reporting Requirements	How charter schools are held accountable and if they must comply with existing state and local performance standards or reporting requirements	Charter schools must participate in the state testing program and comply with state reporting requirements. They also provide a yearly progress report to state and local boards for three years.	All types must participate in the state testing program and comply with state reporting requirements. They must provide semester reports and a comprehensive report at the end of the third year to their chartering authority and prepare for site visits. Local boards provide an annual report on charter schools in their system to the state board of education.

New Mexico	Texas
The charter is between the state board and a converted existing school, with input from the local board, 65 percent support from teachers, and parent support and involvement in developing the charter application.	Open-enrollment (OE): The charter is between the state board and a newly formed school or converted existing school, with parental support. Campus and program (CP): The charter is between a local board and a converted existing program or school.
Charter schools are legally part of the local district.	OE: Charter schools are legally independent entities. CP: Charter schools are legally part of the local district.
Charters must adhere to all state and local codes; a chartered school then may request specific waivers from the state board.	OE: These charters receive automatic exemption from most state regulations, although they must adhere to state graduation requirements and participate in the state accountability system. CP: These charters receive automatic exemption from most state regulations, although they must adhere to state graduation requirements and participate in the state accountability system. They also can specify exemptions from local rules and policies.
Funds flow through the local district. Also, the district can withhold administrative costs associated with reviewing the charter school budget.	OE: All state and local funds are forwarded directly to charter schools. CP: Funds flow through the local district.
Charter schools must participate in the state testing program and comply with state reporting requirements. They also provide an annual accountability report to the state department of education.	OE and CP both must participate in the state testing program and comply with state reporting requirements. They also provide an annual audit of financial and programmatic operations to their chartering authority. OE: These charters also are subject to an external evaluation by a research consortium chosen by the state. CP: These charters must provide Public Education Information Management System (PEIMS) data to their local district.

TABLE 2: Charter School Autonomy from Higher Levels of Government: Analysis in Brief

reports describing student performance and progress toward meeting national and state education goals, as specified in their charters.

Louisiana charter schools will provide semester reports and a comprehensive report at the end of the third year of operation to their chartering authority, indicating progress toward meeting academic and other educational objectives specified in their charters. Individual charter school contracts will specify monitoring methods and the procedures to be used by the chartering authority, but contracts must recognize the right of the chartering authority to visit and inspect charter schools on a reasonable basis. Local boards will report annually to the state the Board of Elementary and Secondary Education (BESE) on the effectiveness of the charter schools in their system.

In New Mexico, each charter school is required to provide an individual accountability report to the state department of education. The report includes a range of school-specific information, including, but not limited to, student performance on state-mandated tests, attendance rates, dropout rates, student demographic data, and funding for instructional programs.

In Texas, each charter school must conduct an annual audit of the financial and programmatic operations of the program, and in the case of campus and program charters, provide all the necessary information for the local district in which the charter school is located to participate in the state's Public Education Information Management System (PEIMS). Each school is also monitored through compliance with the state's mandated accountability system, which currently requires all public schools to provide information on school performance relative to student achievement on the state criterion-referenced test, student attendance rates, and dropout rates. Additionally, open-enrollment charter schools are being evaluated by a consortium of research institutions selected by the state.[1] The criteria upon which the evaluation is to be based include student assessment results, student attendance, grades, discipline, socioeconomic status of students, student and parent satisfaction, and operational costs. An evaluation of the effect of the schools on school districts and their teachers, students, and parents will also be conducted.

Within the Southwestern Region, legislators appear to be struggling with how to balance the needs of charter schools to be self-determining against district needs for dependable resources and stable procedures.

Analysis Across the Dimension

One of the primary reasons charter schools have garnered widespread political and popular support is that, although they are designed to function as autonomous institutions, they remain part of the broader public education system. This first dimension of autonomy—autonomy from higher levels of government—highlights this unique relationship and reveals the extent to which charter schools are free to chart their own course within a broad set of district, state, and national guidelines.

Within the Southwestern Region, legislators appear to be struggling with how to balance the needs of charter schools to be self-determining against district needs for dependable resources and stable procedures—with Louisiana and Texas working to create a middle ground by way of two very different approaches. In addition, all four states in the region appear to recognize the need a state public education system has for some degree of consistent education standards and comparability across schools.

Walking the line between charter schools and local districts. Arkansas and New Mexico have opted to maintain strong ties between all local districts and charter schools, perhaps exemplifying deep-rooted concerns about the consequences of a public school's independence from the district in which it is located. Louisiana and Texas, on the other hand, are experimenting with high degrees of autonomy in this area for some charter schools while promoting local district control for others.

Autonomy from Higher Levels of Government

Charter schools such as the Texas open-enrollment charters can be ***created without local district approval,*** may ***operate as independent legal entities,*** and ***receive funding directly from the state*** without local intervention. The autonomy of these schools can represent a threat to the financial and political well-being of the districts from whom they attract students. When charter schools are not under the authority of a local school board, there are immediate and long-term ways in which the district might lose valuable financial and human resources. The direction of funds to charter schools could reduce monies available to sustain successful programs in non-charter schools, and skilled and committed educators might be lured away from traditional schools to the new charter opportunities.

Moreover, without local control, the role of charter schools and their relationship with the local district are unclear and subject to negotiation. At its most benign, the lack of a working relationship between charter schools and their local districts could create a charter system parallel to the rest of the public school system. Without an explicitly cooperative relationship in place, there is no guarantee that charter schools and the other public schools in an attendance area will participate in the regular exchange of innovative strategies and learnings. In the long range, it is this kind of ongoing exchange that has the greatest potential to significantly enhance the entire district system, both in educational quality and in the eyes of the public.

On the other hand, district control presents its own set of challenges. When charter schools are not granted significant autonomy from the local level of government, interest in the reform initiative tends to be low. In 1996, only one school in Arkansas submitted an application to convert to charter status (the request was later rejected), and Louisiana's local school systems have approved only three schools. Similarly, there apparently has been little interest in Texas in the campus and program charter school option (which requires local school board approval), and New Mexico spent four years soliciting applications for its fifth and final charter school.

Moreover, charter schools that are approved and funded at the local level must depend on the district to allocate funds. At the very least, this degree of dependence on the local board for access to money constrains a school's ability to implement decisions efficiently; at worst, it creates an avenue for individuals not directly involved in the planning and implementation process to second-guess decisions made at the charter school site.

Crossing the line set by rules and regulations. In an equally powerful way, local or state education codes can substantially influence the ability of charter schools to design and implement the educational programs of their choice. By nature, ***rules and regulations*** support standardized school structure and operation. This presents a challenge for charter schools that seek to create and implement instructional programs and practices that differ greatly from those of traditional public schools.

Charter laws in the region are clearly split on this issue. Regardless of type (state- or district-approved), charter schools in Texas and Louisiana receive broad exemptions from most regulations, whereas charter school applicants in Arkansas and New Mexico must negotiate for individual rule waivers in order to implement any new or alternative educational policies or practices. In the cases of the latter two states, the opportunity for charter school organizers to design the school of their choice may ultimately depend on the relationship they have with the district board or administration—or on their willingness to propose a school design that falls well within the comfort zone of the district.

Standing firm for a standard accountability system. As with rules and regulations, state performance

Charter schools in Texas and Louisiana receive broad exemptions from most regulations, whereas charter school applicants in Arkansas and New Mexico must negotiate for individual rule waivers.

standards and ***reporting requirements*** can function as constraints on charter schools. However, policymakers in all four states of the Southwestern Region seem to recognize that they play a crucial and necessary role in ensuring charter school accountability. These requirements not only provide some assurance that charter school curricula and assessment will not venture too far from the norm but also provide state and local authorities with a publicly recognized standard by which to measure charter school progress. Even most charter school proponents maintain that in order to attain legitimacy, charter schools must, at least initially, demonstrate success on traditional measures of school accountability (i.e., statewide standardized tests). For these reasons, no state in the region is yet willing to release charter schools from these requirements.

Autonomy Inside the School

This second dimension of autonomy focuses on the internal operations and policy preferences of the charter school itself. As such, it defines the extent to which charter school participants (organizers, administrators, teachers and staff) determine the school's course of action.

An autonomous organization can act upon internally generated preferences, establish its own goals, and determine a means for achieving those goals. Local autonomy is "total" when the actions of an organization directly correspond with its preferences. When autonomy is less than total, however, power may be "partitioned," resulting in autonomy for individuals or subgroups over particular domains of organizational activity. In this context, "autonomy is an extension of authority to an individual or an entity over areas which are naturally within their jurisdiction" (Wohlstetter et al., 1995, p. 11).

Charter school proponents (and numerous other school reformers) have long suggested that decisions can be made more efficiently and effectively at the school level by those most familiar with the needs of students. Improved student performance depends upon a set of supporting conditions that relate to the school's ability to decide its own mission, goals, and the means for achieving these goals. Autonomy inside a charter school is deemed highest when legislation provides for the following five conditions:

- Charter schools determine their own **school governance** structure, policies, and procedures.
- Charter schools have control over **school personnel** and conditions of employment.
- Funding formulas for charter schools are set, and **budget** decisions are not subject to negotiation with the district or state.
- **Curriculum**, as circumscribed by school mission and validated through student assessments, is under the control of the charter school.
- Charter schools can set **student admission standards** that differentiate among applicants and guide student selection.

School Governance

Wohlstetter et al. (1995) define the ability of a school to decide on its own governance structure as a critical element of school-level autonomy. The authors maintain that autonomy is high when legislation permits charter schools to make all decisions concerning how to govern and who should govern. Autonomy is lower when state laws place restrictions on how schools should govern and establish guidelines for the composition of governing bodies (e.g., parents or teachers must hold a majority).

In the Southwestern Region, lawmakers grant charter schools significant autonomy over school governance.

The Southwestern Region. In the Southwestern Region, lawmakers grant charter schools significant autonomy over school governance. Laws in Louisiana, New Mexico, and Texas all allow charter schools to devise their own governance structure. Moreover, none of the laws place any conditions or restrictions on the composition of the governing body. Legislation in Arkansas does not address the issue of school governance and, therefore, is not viewed as placing explicit restrictions on school-site governance.

School Personnel

Legislative provisions regarding charter school control over employment decisions are among the most controversial. Proponents maintain that charter schools must be free to hire the highest quality teachers (regardless of their certification status), determine employee salaries and benefits, and make important decisions about the conditions of teacher work (e.g., planning and preparation time, lunch duties). They have encountered tough opposition, however, from teachers'

organizations seeking to uphold collective bargaining agreements and ensure job security and benefits for charter school employees.

Wohlstetter et al. (1995) maintain that school autonomy is highest when there is no requirement for charter schools to negotiate the terms or conditions of employment with teachers' organizations. In this instance, personnel policies are specified in the individual charter contracts. Schools have less control over personnel decisions when employees remain under collective bargaining agreements.

The Southwestern Region. Laws in the Southwestern Region grant charter schools varying degrees of autonomy with regard to personnel decisions. Legislative provisions in Texas clearly afford charter schools the greatest degree of control over personnel decisions. A nonunion state, Texas affords all charter schools full authority to make important employment decisions, including those regarding hiring, firing, professional credentials, performance requirements, and salaries. As such, all employment issues are subject to negotiation in individual charter contracts.

With the exception of type 4 schools, all charter schools in Louisiana are organized as nonprofit corporations and teachers are employed directly by the school rather than through the school system. While this arrangement does grant a majority of charter schools significant autonomy with regard to most employment issues, the law also requires certain qualifications of charter school staff. In Louisiana, the law stipulates that at least 75 percent of the instructional staff of any type of charter school be certified teachers. The remaining 25 percent can be alternatively certified, hold a bachelor's degree, or have at least 10 years of pertinent work experience, but they must work under the supervision of a certified teacher. In addition, collective bargaining provisions do apply to charter schools that are located within the jurisdiction of a local board that has entered into such an agreement (unless otherwise specified in the charter contract).

Charter school employees in New Mexico and Arkansas are employed by the local school district and thus remain bound by existing collective bargaining agreements. In New Mexico, charter schools are required to hire only certified teachers (unless this requirement is specifically waived). In Arkansas, each individual charter agreement must have the approval of an organization representing a majority of the district's teachers if the district has entered into a collective bargaining agreement with that organization.

Budget

Another measure of autonomy inside the school emphasizes the extent to which schools are granted control over their budget and decisions regarding the allocation of funds. While some legislation ensures charter schools a specific level of funding based on student enrollment, other laws require that charter schools negotiate their funding with the district or state.

Wohlstetter et al. (1995) believe that autonomy is highest when funding formulas are set and the charter school budget is not subject to negotiation with the district or state. Conversely, when charter schools must negotiate their funding, the district or state retains ultimate responsibility for how the schools allocate and spend money.

The Southwestern Region. In Arkansas, the issue of school budget is not specifically addressed in legislation. Texas and Louisiana, however, provide a relatively high degree of autonomy to charter schools over their budgets. In Texas, all open-enrollment charter schools are entitled to the combined amount of state and local funds that would be spent on the student had the student remained in the district school. This money is not negotiable or subject to approval, and the

legislation requires only that open-enrollment schools describe a process for adopting a budget in their application. Although the legislation is essentially silent concerning campus and program charter budgets, it is assumed that these charter schools will be eligible for the same per-pupil allocations as traditional public schools. However, the degree of control that campus and program charters schools ultimately can exercise over budget allocations and expenditures must be negotiated, like all other provisions, with the local board.

In Louisiana, type 1, type 3, and type 4 charter schools are funded in the same fashion as other public schools and receive their funding through the local board in the jurisdiction where the school is located. Formulas are also set for type 2 charter schools, which are funded at a level equal to the combined state and local "target amount" that is allocated for the district in which the charter school is located. For all four categories of charter schools, however, the funds are nonnegotiable, and once the money reaches the school, charter school personnel have complete control over all budgetary decisions.

Charter schools in New Mexico are less likely to have control over their budgets. As detailed previously, a charter school in New Mexico must submit its budget to the local board for approval. Although the local board does not have authority over individual line items, it can reject the entire budget outright if it does not believe that sound fiscal practices have been followed in the development of the budget, if the budget exceeds the allocated resources, or if the budget is not aligned with the overall budget of the local school district. Recently, local boards have used this authority to withhold funding and prevent charter schools from effectively implementing new or alternative programming. Moreover, the local board can retain a portion of the charter school's budget to recover costs directly associated with review of the budget.

Curriculum

The ability of schools to establish their own mission and restructure their curriculum according to local needs is a critical dimension of autonomy. While legislation often requires those seeking charter status to carefully outline their educational program, it can also demand that this be done within the boundaries of the state's accountability system. When state performance standards and assessments are required, they can drive decisions about what should be taught and can restrict a school's ability to innovate. This dimension of autonomy includes instructional decisions, which are intertwined with the nature and demands of curricula. As a result, the ability of charter schools to design their own performance standards and assessments is critical to their ability to redesign curriculum and select instructional strategies to meet the needs of the students and establish high standards for student performance.

The design of educational programs can also be influenced by any explicit mission the school must adopt. Some states have placed restrictions on particular school missions, but more often legislation encourages schools to adopt a certain mission by providing approval preferences to schools that do so. Most common are legislative preferences for charter schools that target at-risk student populations.

According to Wohlstetter et al. (1995), charter schools have a high degree of control over curriculum when they are free to design their own assessment programs and the state does not favor any particular school mission. Conversely, charter schools are afforded less autonomy when state law requires the school to participate in state testing programs and encourages or restricts the adoption of a particular school mission.

Charter schools are afforded less autonomy when state law requires the school to participate in state testing programs and encourages or restricts the adoption of a particular school mission.

The Southwestern Region. All four charter laws in the Southwestern Region require charter schools to participate in state-mandated testing programs and, thus, influence their decisions about curricula. Laws in three of the states further influence curriculum and instruction by placing certain limitations on a charter school's focus or mission.

In Arkansas, charter school improvement plans must focus on meeting national and state education goals (which include curriculum-specific emphases) as well as improving learning for all students. In Louisiana, all charter schools must emphasize achievement for at-risk students as part of their school mission and are also required to enroll specific percentages of at-risk students (see **Student Admission Standards**). Texas has also made the education of at-risk students a priority mission of open-enrollment charter schools. While no restrictions were placed on the 20 open-enrollment schools initially authorized in Texas, the focus of the more than 100 open-enrollment charters recently added by the state is limited to students who are currently attending low-performing public schools and/or students who have dropped out or are at risk of dropping out of school.

Student Admission Standards

A school's ability to decide which students it wants to attract and admit also influences the degree of autonomy the school has over the design and operation of its educational programs. Schools that have greater control over student admissions also have more freedom to implement programs that are compatible with a specific philosophy or set of principles. Most charter laws in the nation give priority admission status to students residing either within the school's attendance zone or within the district or locality. Beyond those parameters, however, a number of states allow charter schools to establish special admission criteria or guidelines in certain areas (such as age and grade level, area of school focus, even academic standards) or "if applicable" (Bierlein & Mulholland, 1995).

Wohlstetter et al. (1995) define school autonomy as high when charter schools are allowed to establish admissions standards and can use certain characteristics to limit admissions. Schools that cannot set admissions standards and must give preference to students who live within the school's attendance zone have less autonomy.

The Southwestern Region. Laws governing student admissions vary across the Southwestern Region, not only from state to state but also among different categories of charter schools within a single state.

In Louisiana, all charter schools can set admissions standards that are pertinent to the mission of the school, but such standards must preclude exclusions based on a student's race, religion, ethnicity, national origin, intellectual ability, or identification as an exceptional child. Furthermore, the law requires that charter schools enroll a certain percentage of students identified as "at risk." This percentage varies according to school category. In type 1 and type 2 charter schools, the overall percentage of students who are at risk must be equal to no less than 85 percent of the percentage of at-risk students enrolled throughout the district. The remainder of the charter school student population must include a percentage of at-risk students equal to the percentage of such students enrolled in the district. In type 3 and type 4 charter schools, the percentage of at-risk students enrolled in the charter school must be equal to the percentage of at-risk students enrolled in the school before its conversion to charter status. Furthermore, type 2 charter schools are the only charter schools in Louisiana that permit statewide enrollment. Type 1, type 3, and type 4 charter schools are required to enroll only those students who reside within the district-defined attendance zone.

In Texas, campus and program charter schools' admission decisions must give priority on the basis of geographic and residency considerations, but a student's age, grade, or academic credentials can be used as secondary considerations. Like some magnet schools, these charter schools can consider academic ability as an admissions criterion. Moreover, the law allows for discrimination based on gender, thus clearing the way for the establishment of single-gender schools. Local school boards have the authority to decide whether enrollment for campus and program charters must be limited to those students who live within the school's precharter attendance zone or be open to students across the district. In contrast, all open-enrollment charter schools in Texas can attract students from around the state but cannot discriminate on the basis of gender or ability. They can, however, refuse to admit students with documented discipline problems.

Legislators in Texas, like those in Louisiana, have also recently taken steps to ensure that charter schools are serving at-risk student populations. In 1997, the state's education code was amended to allow the state board of education to add up to 100 public education grant charters to schools designed for the express purpose of enrolling students who are currently attending public schools at which 50 percent or more of the students are not performing satisfactorily on statewide assessments. The law also authorizes an unspecified number of additional open-enrollment charters for schools for which at least 75 percent of the prospective student population will be students who have dropped out or are at risk of dropping out of school.

Charter schools in New Mexico and Arkansas have the least autonomy over student admissions. In New Mexico, the legislation is silent on charter school establishment of admissions criteria but requires charter schools to give preference to students who live within the school's precharter attendance zone. Interested students across the district can apply and be admitted on a space-available basis. Enrollment in Arkansas charter schools is limited to students who live within a school's precharter attendance zone. The only reference to student admissions in the law is that schools cannot have a "segregating effect"; the design of specific admissions criteria is not addressed.

Analysis Across the Dimension

Traditionally, important schooling decisions have often been made by people who are far removed from the school site and unfamiliar with the needs of its students. A central tenet of the charter school movement is that those closest to the students are in the best position to assess their needs and develop strategies to meet them. This dimension of autonomy—autonomy inside the school—addresses the freedom and authority that charter school implementers have to make decisions in areas that most directly affect the lives of students, including school governance, personnel, budget, curriculum, and admissions.

In the Southwestern Region, many of the issues associated with autonomy inside the school are highly controversial and have generated significant debate and compromise. Like their counterparts elsewhere in the nation, legislators throughout the region have been forced to contend with an array of special interests—most notably, teachers' and school boards' organizations and advocates for academically and economically disadvantaged students. As a result, state legislation provides many charter school implementers throughout the region with only limited control over the internal dynamics of their schools.

State legislation provides many charter school implementers throughout the region with only limited control over the internal dynamics of their schools.

At ease with school management. Within this dimension, legislators have been most comfortable providing charter school implementers with a high degree of autonomy in the area of ***school-site governance***. All states in the

Continued on page 26

Condition	Definition	Evidence of the Condition in Law in: Arkansas	Louisiana
School Governance	How the governance structure of charter schools is determined.	School governance is not addressed in legislation.	Charter schools create their own governance structure with no conditions or restrictions.
School Personnel	How charter school personnel decisions are made and if existing local or state agreements regarding employee salaries, benefits, and working conditions apply to charter schools.	Personnel are employees of the school district. If the district has a collective bargaining agreement with the organization representing a majority of district teachers, the charter must be approved by that organization.	In all type schools, 75 percent of instructional staff must be certified; the remaining 25 percent must have an alternative certificate, hold a bachelor's degree, or have 10 or more years pertinent work experience and must work under the supervision of a certified teacher. Types 1, 2, and 3: All personnel are employees of the nonprofit corporation that sponsors the charter school.
Budget	How operational funding is allocated and spent in charter schools.	Budget is not addressed in legislation.	Funds are nonnegotiable for all four types; charter schools have complete control over budgetary decisions. Type 2: A formula is set at a level equal to the combined state and local allocation to all schools in the local district. Types 1, 3, and 4: These schools are funded through their local board.
Curriculum	How charter school curriculum is set, including whether certain conditions apply regarding school mission and student assessments.	Charter schools must participate in the state's mandated testing program, and school improvement plans must focus on meeting state education goals.	Charter schools must participate in the state's mandated testing program and must make achievement of at-risk students a priority mission.
Student Admission Standards	If and how charter schools can establish admissions criteria and standards.	Charter schools can enroll only students who live within their precharter attendance zone. Student admissions criteria cannot have a segregating effect.	Admissions criteria must be pertinent to the school mission and must not exclude students on the basis of race, religion, ethnicity, national origin, intellectual ability, or identification as an exceptional child. All type schools must admit at-risk students to a specified degree: • Types 1 and 2: The overall school population must reflect a percentage of at-risk students equal to no less than 85 percent of the overall district percentage of at-risk students. • Types 3 and 4: The overall school population must reflect a percentage of at-risk students equal to the percentage enrolled before the school converted to charter status.

New Mexico	Texas
Charter schools create their own governance structure with no conditions or restrictions.	Charter schools create their own governance structure with no conditions or restrictions.
Personnel are employees of the school district. Charter schools must hire certified teachers unless they receive a waiver from the district.	All charter schools have full authority over personnel, with all employment issues subject to negotiation in the charter.
The charter school budget is approved by the local board. The board can retain a portion of the budget to recover costs associated with that budget review and approval.	OE: These schools are entitled to the combined amount of state and local funds for the individual students they enroll, based on the existing allocation to the students' home schools and districts. Funds are nonnegotiable and not subject to approval. The charter application must describe the OE's budget adoption process. CP: Per-pupil allocation is not addressed in legislation. Budget control must be negotiated with the local board.
Charter schools must participate in the state's mandated testing program.	Charter schools must participate in the state's mandated testing program and must make achievement of at-risk students a priority mission.
Charter schools can enroll only students who live within their precharter attendance zone.	OE: The school can enroll any student in the state and cannot discriminate on the basis of gender or ability, although it can refuse admission to students with documented discipline problems. OE schools chartered after 1997 must admit at-risk students to a specified degree: • Up to 100 schools that enroll students from low-performing public schools can be granted public education grant charters. • An unlimited number of schools whose student populations include at least 75 percent dropouts or students at risk of dropping out of school can receive charters. CP: The school must give priority consideration to student applicants who reside within the district, and the local school board can further limit enrollment to students living within the school's precharter attendance zone. The school can then include student age, grade, gender, or academic credentials in final admission decisions.

TABLE 3: Charter School Autonomy Inside the School: Analysis in Brief

Southwestern Region, with the exception of Arkansas (which remains silent on the issue), were willing to grant charter schools full decisionmaking authority over school governance issues. This broad consensus may have resulted partly from perceived similarities between school-based governance and the widely accepted practice of site-based management. Nonetheless, this high degree of autonomy provides charter schools with opportunities to experiment with a variety of alternative school governance strategies and may provide some valuable lessons for all public schools.

Dealing with controversies over personnel, budget, and curriculum. Unlike school governance, laws specific to charter ***school personnel*** vary dramatically throughout the Southwestern Region, reflecting both the volatility of the issue and the individual employment context of each state. In Texas, a nonunion state, charter schools can recruit and hire applicants, regardless of whether they have been certified by the state. Furthermore, charter school representatives are free to negotiate all terms of employment, including salary, benefits, and job security. In Arkansas, New Mexico, and to a lesser degree in Louisiana, teacher and school board organizations have successfully lobbied against a high degree of charter school autonomy over school personnel, insisting that it would compromise teacher professionalism.

While there is little question that educators will be drawn to the new roles, greater responsibilities, and diminished bureaucracy that charter schools promise, some have suggested that these benefits may come at a price. Opponents have argued that when charter schools have the freedom to negotiate employment terms, teachers are typically paid less than other public school teachers and often forced to sacrifice benefits and job security as well. While teachers may initially be willing to forgo higher compensation in exchange for new professional opportunities, over the long term charter schools may have trouble retaining teachers who are expected to do more for less. On the other hand, charter schools that have little control over personnel decisions and are bound by collective bargaining agreements are less able to assure that faculty members are firmly committed to the unique mission of the school. Moreover, agreements secured by teacher organizations may constrain the schools' ability to redefine teacher roles and responsibilities based on the needs of their students.

In a similar way, charter school control over ***budgetary decisions*** is controversial because it shifts power away from local districts to individual school sites. When funding formulas are set and nonnegotiable, as is the case in Texas and Louisiana, charter schools have significantly more freedom to design, fund, and implement educational programs as they deem necessary. At the same time, however, this arrangement has raised concerns about the potential for fiscal mismanagement. Educational practitioners have traditionally had little experience with the business operations of a school. Without local oversight, the state has few assurances that sound business practices are being implemented. On the other hand, charter schools that must seek approval for their budgets at the local level, like those in New Mexico, not only forfeit a portion of their budget to cover the costs of the monitoring process but also are more likely to encounter resistance to their school-site designs. Ultimately, charter schools that must garner support for their budget plans may be less able to fund the innovative and alternative learning strategies that they believe best meet the specific needs of their students.

Control over ***curriculum*** will continue to present a challenge to charter schools in the Southwestern Region. Charter schools in all states are required to participate in state-mandated testing programs, which can influence both instructional content and practices. Moreover, the states' emphasis on traditional measures of accountability may

operate as a deterrent to schools that initially hope to experiment with new and innovative indicators of student performance. While legislation does not explicitly prohibit charter schools from experimenting with alternative forms of assessment, evidence from a recent study of open-enrollment schools in Texas suggests that only slightly more than one-third intend to use performance-based measures in addition to the required standardized assessment techniques (McGree et al., 1998).

Making students at risk of school failure a priority. Finally, like most other issues within this dimension, charter school control over student admissions has generated much concern. Proponents maintain that some measure of autonomy over student admissions is critical to charter school success because it ensures that such schools can enroll only those students who are committed to the unique mission, policies, and practices of the school. On the other hand, opponents insist that allowing charter schools to select students based on specific criteria such as academic prowess or gender challenges the idea of equal access to quality educational opportunities. Likewise, charter schools designed to cater to certain student populations challenge our society's long-standing commitment to racial and ethnic integration and, more recently, a growing movement toward the inclusion of special-needs students in mainstream academic classes.

In some states, control over curriculum and student admissions may be further constrained by legislative provisions regarding the mission of charter schools. In both Louisiana and Texas, the education of at-risk youth has become a priority mission for charter schools. This focus is reflected by the fact that all three of the charter schools initially authorized in Louisiana and more than half of the 20 open-enrollment charter schools initially authorized in Texas are designed exclusively to serve students who have dropped out or are at risk of dropping out of school. Moreover, new legislation in Texas authorizes an infinite number of additional open-enrollment charters as long as 75 percent of the proposed student population is identified as at risk.

On the one hand, this evidence suggests that legislators in the region have successfully ensured that charter schools will not cater to an economically and academically elite student population, as so many have feared. Moreover, it indicates an expectation that charter schools may provide important opportunities to discover effective, new ways of educating students at risk of academic failure. Indeed, charter schools designed to serve at-risk student populations are popular and have encountered little resistance from state and local school officials, in large part because they are willing to serve those students for whom few traditional public schools want to compete.

On the other hand, this trend challenges the original intent of the charter school movement to serve a wide range of students and offer a diverse array of innovative educational options, thereby promoting choice and competition among all public schools. As more charter schools assume the singular mission and focus of educating at-risk students, they may do little to expand and diversify school choice for the vast majority of the student population.

Like most other issues within this dimension, charter school control over student admissions has generated much concern.

Autonomy of Parents and Students

Where the first and second dimensions of autonomy focus on the collective action of government or school-site participants, the third dimension focuses more on the individual power of parents and students to select the school of their choice. Autonomy translates into consumer sovereignty when parents and students are freely able to choose good quality schools and reject inferior ones.

Consumer sovereignty is linked directly to school accountability. In a free educational marketplace, where parents and students can choose one school over another, schools will inevitably be constrained by their need to be responsive to the needs and preferences of their consumers. On the other hand, consumers are constrained by their need for information. The ability of consumers to exercise their sovereignty and make quality choices depends, in large measure, on their access to reliable information about choice options. In this climate of market accountability, charter schools must have the freedom to "differentiate themselves from existing schools, hold themselves to high standards, and then make certain such information is well known and well publicized" (Wohlstetter et al., 1995, p. 13).

Proponents have suggested that, as schools of choice, charter schools will infuse the public education system with a badly needed dose of competition, encouraging a more diverse and higher quality array of educational choices. Moreover, they maintain that schools of choice are naturally more accountable, since they must respond to the needs and preferences of parents in order to attract and retain students. The sovereignty of parents and students to choose a charter school is enhanced when the following five conditions are legislatively provided:

- Parents have the option of **starting a charter school.**
- The **kind of school eligible for charter status** is broad, including existing and new, separate and school-within-a-school, public and private schools.
- Charter schools are subject to district- or statewide **parental choice.**
- The total **number of schools eligible for charter status** represents more than 10 percent of the state's existing schools (as a gross indicator of parent access across a state to a charter school option).
- Charter schools ensure **community accountability** through periodic progress reports to parents and the community.

Starting a Charter School

The degree to which parents can be involved in the design and management of charter schools varies from state to state. Wohlstetter et al. (1995) suggest that the extent to which parents can act autonomously in choosing a suitable charter school for their children is constrained by their access to the chartering process and that the autonomy of parents and students is highest when parents themselves can start a charter school.

The Southwestern Region. While most states in this region require that charter school proposals have the support of parents, no state permits parents alone to start a charter school. In Texas, however, campus and program charters can be awarded to a group of both parents and teachers. Likewise, in Louisiana numerous groups—including 10 or more citizens—can offer a charter proposal for consideration, and parents can be directly involved in starting a charter school as long as the organizing group also includes at least three certified teachers.

In addition, laws in each state require that all existing schools seeking charter status must provide evidence of parental

support, usually in the form of a petition or a majority vote at a designated meeting. This is also true of newly formed, open-enrollment charter schools in Texas. Legislation in Arkansas and New Mexico further requires charter school organizers to involve parents in the chartering process and show proof of this in their application.

Kind of School Eligible for Charter Status

Restrictions placed on the types of school eligible for charter status can also influence the diversity of school choices available to parents and students. Depending on the state, charter schools can be newly formed or formed from existing public and, in some cases, private institutions. Wohlstetter et al. (1995) maintain that parent and student autonomy is high when the widest range of schools is eligible for charter status. Parents have less autonomy when charter status is limited only to existing public schools.

The Southwestern Region. Three of the four states explicitly prohibit private schools from applying for charter status, and only two permit charter schools to be newly formed. Autonomy is seemingly highest in the fourth state, Texas, where charter schools can be formed through the conversion of existing public school programs or campuses or can be newly formed, as in open-enrollment charter schools. Although open-enrollment charter schools are viewed as "newly formed," they can be formed when existing private schools or educational programs (i.e., alternative educational programs that receive federal, state, and/or local support) apply for and are granted public charter school status. Under provisions for open-enrollment charters, private schools that legally qualify as nonprofit corporations are eligible to apply for charter status. Autonomy is also somewhat high in Louisiana, where charter schools can be newly formed or converted from existing public schools. The autonomy of parents and students is lowest in Arkansas and New Mexico, where only existing public schools can apply for charters.

Parental Choice

The autonomy of parents and students is also constrained by their ability to actually choose among schools. In many states parents do not have the freedom to choose one school over another; they cannot obtain transfers to schools outside their neighborhood or designated attendance zone. The same is often true with charter schools. Many states restrict charter school enrollment to students who live within their attendance zone, leaving parents outside the zone without a choice. Wohlstetter et al. (1995) characterize the autonomy of parents and students as greatest when they can choose among all public schools in their district or statewide. Autonomy is lowest when school choices are limited to a neighborhood school that serves only students who live within its attendance zone.

The Southwestern Region. Type 2 charter schools in Louisiana and openenrollment charter schools in Texas are the only charter schools in this region permitted to attract and enroll students statewide. Parents and students in Louisiana's remaining charter schools can choose any charter school located within their district-defined attendance zone, while decisions regarding enrollment limitations for campus and program charters in Texas are left to individual local school boards. In Texas, local school boards have the discretion to limit charter school enrollment to students who live within a school's precharter attendance zone or to open admission to students throughout the district. Choices are most limited for parents and students in Arkansas and New Mexico. In these states, charter schools are available only to those students who live within a school's precharter attendance zone.

Number of Schools Eligible for Charter Status

The degree to which parents and students can exercise choice among public schools depends in part on the authenticity of their options. In some states, charter schools are viewed as

In many states parents cannot obtain transfers to schools outside their neighborhood or designated attendance zone. The same is often true with charter schools.

pilot projects and are therefore few in number. As a result, they rarely represent a real option for the vast majority of parents and students in the state. In other states, legislation authorizes an unlimited number of charter schools, making them accessible to a greater number of parents and students. Wohlstetter et al. (1995) define autonomy as high for parents when the number of charter schools allowed by law represents more than 10 percent of the existing schools statewide. Autonomy is lowest when the number of charter schools is less than 10 percent.

Parent and student autonomy is highest when charter schools are held accountable to the community and required to report their progress to parents and community members.

The Southwestern Region. The number of schools eligible for charter status in the Southwestern Region varies significantly by state. Parent and student autonomy is lowest in New Mexico, where the state board of education is authorized to establish no more than five charter schools, and higher in Arkansas, where there is no specified limit on the number of charter schools that can be established. Amendments to charter school laws in Texas and Louisiana have recently changed the number of schools eligible for charter status in each state.

In Texas, the law initially provided for an unlimited number of locally authorized campus and program charters, but limited the number of open-enrollment charters awarded by the state board to 20. With recent amendments, however, the law now permits the state board to issue an additional 100 open-enrollment charters to schools that are designed specifically to serve students who are eligible for public education grants. The law further permits the state board to grant an unspecified number of additional charters for open-enrollment schools designed to serve a student population of which at least 75 percent have already dropped out or are at risk of dropping out of school.

In Louisiana, chartering authority was initially limited to eight school systems, and the number of proposals approved within each system could not amount to more than one charter school for every 20,000 students within the system's jurisdiction. In addition, each of the eight local school boards with chartering authority could sponsor one or more of its own charter schools. With recent changes in the law, however, state and local authorities may now grant up to a total of 42 charters before May 31, 2001. During the 1997–1998 charter school proposal period, which terminates on June 1, 1998, chartering authorities can award up to 20 charters.[7] Beginning with the 1998–1999 proposal period, local and state chartering authorities in Louisiana can grant up to 22 additional charters.

Community Accountability

The ability of parents to make informed choices about their child's education is constrained by their need for information. Parents can effectively choose among schools only when they have enough information to do so. According to Wohlstetter et al. (1995), parent and student autonomy is highest when charter schools are held accountable to the community and required to report their progress to parents and community members. Parental access to information, and thus autonomy, is limited when charter schools are required only to report to the state.

The Southwestern Region. While the laws in all four states hold charter schools directly accountable to the district or state, they also ensure that charter schools inform the community of their progress. Community members and parents of enrolled students are specified as audiences for some or all of the charter school reports described under **Reporting Requirements**.

By law, charter schools in Arkansas must release a yearly progress report to parents, community members, local school boards, and the state board of education. Louisiana charter schools must provide a similar report at the end of each semester to these same four groups. In New Mexico, state board of education regulations require that charter schools

"provide an annual accountability report to the parents of children enrolled in the school, the community, the local school board, and the state department of education."

In Texas, charter schools have the same obligation as other public schools do to inform the community of their progress. Charter schools, like all public schools, receive an annual report card and performance rating from the state, based on information submitted in compliance with the state's reporting requirements. The law requires that this information be made public and that each district hold at least one public hearing on this information annually. In the case of open-enrollment charter schools, the school, not the local district, holds its own public hearing. In addition, open-enrollment schools must provide parents of prospective students with a one-page prospectus that includes, but is not limited to, information about the staff's qualifications and the nature of the instructional program.

Analysis Across the Dimension

As schools of choice, charter schools are designed to increase both the number and the diversity of public school options for parents and students. This final dimension of autonomy—autonomy of parents and students—highlights the legislative variables that contribute directly to the ability of parents and students to freely choose the school that best meets their needs and preferences.

Parent and student autonomy is believed to be enhanced with the widest possible range of charter schools and the greatest extent of choice among them. In the Southwestern Region, initial charter school laws exhibited a general reluctance to take bold steps in this area. However, this also is the dimension targeted in the two states whose laws have seen major amendments: Louisiana and Texas.

Experimenting with numbers and kinds of schools. The four charter laws are characterized by great variability in terms of ***type of school eligible for charter status*** (i.e., new and existing schools, public and private schools). Texas and Louisiana permit new and existing public schools to apply for charter status, while New Mexico and Arkansas allow only existing public schools to convert. Only Texas permits the conversion of existing private schools. Although this legislative provision certainly encourages a greater diversity of charter school options, and thus enhances consumer sovereignty, it may also provoke a legal challenge. Unlike laws in many states, the Texas law permits any nonprofit organization to apply for charter status, including private religious schools. Currently, at least two of the 17 open-enrollment charter schools operating in the state previously existed as private religious schools.

The proposition that parent and student autonomy in the region will be enhanced by a diversity of charter school options is further challenged by the fact that opportunities for many kinds of charter schools are often coupled with restrictions on the ***number of schools eligible for charter status.*** Thus, where legislators have allowed a broad range of schools to be eligible for charter status, they also have imposed limits on the total number of schools that can apply. Conversely, when only existing schools are authorized to convert, legislators are more willing to ease restrictions on the number of schools that can apply. As a result, parents and students in the Southwestern Region may be facing a trade-off between the diversity and availability of charter school options.

This trade-off is best exemplified in Texas. Those charter schools that might contribute the most to the diversity of options for parents and students—open-enrollment schools—

Continued on page 34

Condition	Definition	Evidence of the Condition in Law in: **Arkansas**	**Louisiana**
Starting a Charter School	What role parents can play in founding charter schools.	Parents cannot start a charter school, but organizers must show proof of parent support and involvement in the application process.	Although parents alone cannot start a charter school, they can be members of any organizing group that includes at least three certified teachers. Existing schools seeking charter status must provide evidence of parent support.
Kind of School Eligible for Charter Status	Whether both existing and newly formed schools can be approved as charter schools.	Only existing public schools can apply for charter status.	Existing public schools and newly formed schools are eligible for charter status.
Parental Choice	Whether charter schools are open to all parents and students.	Charter schools are open only to students living within their precharter attendance zone.	Type 2: Charter schools are permitted to be open to all students in the state. Types 1, 3, and 4: Charter schools are open to all students in their district-defined attendance zone.
Number of Schools Eligible for Charter Status	Whether there are limits on the number of allowable charter schools.	There is no specified limit on the number of charter schools.	A total of up to 42 charters can be granted in the state before May 31, 2001.
Community Accountability	How parents and the community are informed about charter school progress.	Charter schools must release a yearly progress report to parents, community members, local school boards, and the state board of education.	Charter schools must release a progress report every semester to parents, community members, local school boards, and the state board of education.

New Mexico	Texas
Parents cannot start a charter school, but organizers must show proof of parent support and involvement in the application process.	Although parents alone cannot start a charter school, they can be members of any organizing group that consists of both parents and teachers. Both CP and OE schools seeking charter status must provide evidence of parent support.
Only existing public schools can apply for charter status.	OE: A range of schools are eligible for open enrollment charter school status, including newly formed, existing private schools that legally quality as nonprofit corporations, and existing public schools or educational programs. CP: Existing public schools (campuses) or educational programs can apply for conversion to charter status.
Charter schools are open only to students living within their precharter attendance zone.	OE: Charter schools are permitted to be open to all students in the state. CP: Enrollment limitations for these charter schools can be determined by their local school boards.
The state board of education is authorized to establish no more than five charter schools.	OE: Twenty schools could be initially awarded, an additional 100 can be granted for schools students eligible for public education grants, and an unspecified additional number can be granted for schools designed to serve student populations of which at least 75 percent have dropped out of school or are at-risk of doing so. CP: There is no specified limit on the number of this type of charter school.
Charter schools must provide an annual accountability report to charter school parents, the community, local school board, and the state department of education.	All types of charter schools must release their annual report card and performance rating from the state accountability system to the public and hold at least one annual public hearing. OE: This type of school also must provide to parents of prospective students a one-page prospectus that describes staff qualifications and the nature of the instructional program.

TABLE 4: Autonomy of Parents and Students: Analysis in Brief

No state in the region is willing to permit parents alone to submit an application for a charter school. Louisiana and Texas do permit collaborative efforts between parents and teachers.

were initially limited in number to 20. At the same time, those schools that might contribute less to charter school diversity—campus and program charters—are unlimited in number. Evidence of this trade-off can also be found in Arkansas, which permits an unlimited number of charter schools but restricts charter school eligibility to preexisting public schools, and conversely in Louisiana, where both newly formed and preexisting public schools are eligible for charter status but the total number of schools is limited.

Concerns regarding the diversity of charter schools in the Southwestern Region may be premature, however, since providing substantial numbers of charter school options—diverse or not—remains a challenge in the Southwestern Region. Although legislation in Arkansas authorizes an unlimited number of charter schools, other restrictions placed on the chartering process have prevented a single school from being established. Likewise, in Texas, where an unlimited number of program and campus charters are permitted, interest is reportedly low. Although the opportunity for open-enrollment charter schools in Texas has recently increased, the specified mission of these schools is such that they will expand choice options for only a limited segment of the student population. Finally, legislators in New Mexico and Louisiana have established relatively low limits on the number of charter schools in their respective states.

Making choice a reality. Access to charter school options in the Southwestern Region is further influenced by the degree of parent and student ***choice among schools***. In Arkansas and New Mexico, where only existing public schools can convert to charter status and enrollment is limited to the school's pre-charter attendance zone, charter schools potentially do little to increase choice options for parents and students. Such restrictions may explain, at least in part, the relative lack of charter school interest in both states. In contrast, parents and students in Louisiana and Texas are in a better position to exercise choice. At least some charter schools in each state—type 2 schools in Louisiana and open-enrollment schools in Texas—are open to students residing anywhere within the state. At the same time, however, the viability of these options may be constrained by logistics. Evidence from a recent study of Texas open-enrollment schools suggests that such schools tend to be located in urban areas. Moreover, due in large part to transportation concerns, most schools target students from only one or two nearby districts (McGree et al., 1998).

Limiting public autonomy but expanding public information. Perhaps the ultimate exercise of parental autonomy—***the ability of parents to organize and design their own charter schools***—will not be tested in the Southwestern Region. No state is willing to permit parents alone to submit an application for a charter school. Louisiana and Texas, however, do permit collaborative efforts between parents and teachers. These efforts, and the generally high degree of parent involvement in charter schools, may provide opportunities for policymakers and practitioners to assess the influence of parental preferences on charter school options.

Finally, the commitment to ***community accountability*** across all states in the Southwestern Region may provide an opportunity to assess the effect of charter school options and results on public perceptions. The requirement that charter schools make school-specific demographic and performance data available to the public on an annual basis not only provides parents and students the opportunity to exercise informed choice but also ensures broader public access to information about the charter schools that are being implemented in their community and state. Public response to charter school communications and patterns of parent and student choice among available schools may provide policymakers further evidence of public satisfaction with the reform as it is currently being implemented.

Conclusion

Conclusion

To date, autonomy has been the defining characteristic of the charter school concept. It continues to be not only what sets charter schools apart from non-charter public schools but also what distinguishes one charter school from another. Charter schools were originally envisioned as a vehicle for maximizing individual school autonomy within the existing public school system. Free from the constraints of local and state influence, charter schools were conceived of as being legally and financially autonomous institutions. Concurrently, they were intended to increase the autonomy of parents and students by expanding educational options and enhancing school choice within the public school system. Today, however, few states have provided for the degree of autonomy envisioned by proponents in the early days of the charter school movement. Instead, political debate and compromise have given rise to state laws that define charter school autonomy in vastly different ways.

Open-enrollment schools in Texas and type 2 schools in Louisiana best exemplify a high degree of autonomy. Schools in Arkansas and New Mexico best meet the profile of charter schools with low autonomy.

Diversity along the legislative continuum. This variety is particularly evident in the states of the Southwestern Region, where charter school autonomy varies not only among states but also among schools within a single state. In Texas and Louisiana, legislators have recently sought to expand charter school options within their states. As a result, each state is currently experimenting with differing degrees of autonomy, granting some charter schools relatively high autonomy and keeping others more closely tied to their local school districts. Arkansas and New Mexico, on the other hand, have consistently taken a rather cautious and singular approach, providing each charter school in the state with only slightly more autonomy than traditional public schools have.

Within the region, open-enrollment schools in Texas and type 2 schools in Louisiana best exemplify a high degree of charter school autonomy. Free from many of the external constraints typically placed on public schools by local and state authorities, these charter schools operate as legally and fiscally independent educational institutions that are exempt from most of the rules and regulations governing traditional public schools. In addition, these schools are able to assert some control over their internal operations. They are free to choose their own governance structures, to allocate and spend money as they deem necessary, to hire and fire teachers, and to exercise some discretion over student admissions. Moreover, the autonomy of parents and students has been enhanced as schooling options have expanded. By authorizing an increasingly higher number of charter schools, allowing new schools as well as existing schools to apply for charter status, opening these schools to students across the state, and insisting that charter schools keep the community informed and be accountable to parents, legislators have better enabled parents and students to choose the school that best fits their needs and preferences.

At the other end of the spectrum, schools in Arkansas and New Mexico best meet the profile of charter schools with low autonomy. Charter schools in these states, like traditional public schools, remain part of their local school district. They depend not only legally and financially on their local school board but must receive explicit approval in the form of individual policy waivers before implementing any structural or programmatic changes. In addition, these charter schools have less control over the internal operations of their school. The local school board retains ultimate decisionmaking authority over areas of school personnel, budget, and student admissions. Finally, in these states, the autonomy of parents and students is constrained not only by the lack of a viable state- or districtwide school choice plan but also by significantly fewer charter school options.

These schools offer a rich opportunity for information that state and local policymakers can use as they continue to

struggle with the question of how a diverse array of individual schools can operate as accountable members of a single, coherent system of public schools.

A common sticking point. Despite the obvious diversity among the four state laws, one issue related to school autonomy has provoked strikingly similar responses across the region. Clearly, the single and most pressing area of concern for legislators in the Southwestern Region is school accountability. Across all three dimensions of school autonomy, the states' legislative requirements pertinent to accountability are uniformly conservative and designed to ensure that current state measures remain intact. All charter schools in the region must adhere to state reporting requirements and participate in state testing programs. Further, there is a clear attempt to ensure accountability to the community; all four states require that charter schools keep the local community informed of their progress on an annual basis.

This emphasis on strict accountability, perhaps more than any other legislative feature, suggests that while some states in the region are more willing than others to promote certain aspects of charter school autonomy, all continue to perceive charter schools as an educational reform strategy that still must prove itself. Consequently, legislation in each state requires careful monitoring of charter school progress in meeting the state requirements for **all** public schools, in order to assure policymakers, educational practitioners, and the public that charter schools are capable of serving students as well as, if not better than, traditional public schools. Ironically, however, the same reporting requirements that are designed to ensure charter school accountability may also discourage innovation, which ultimately could hamper charter school success. As long as charter schools are required to participate in state accountability systems and administer state-sanctioned assessments, their ability or willingness to design and implement alternative curricula, instructional programming, and performance measures based on the needs of their students may be constrained.

Charter school laws in the Southwestern Region represent a unique sampling of legislation to watch over time. The different ways in which legislators have allocated charter school autonomy provide important opportunities to examine how these variations affect both the quantity and the quality of charter school options for educators, students, parents, and other community members committed to the public schools. Of particular interest will be whether the laws persist or shift as policymakers consider the implications of these charter schools both for the students they serve directly and for the broader public system as a whole.

Final Questions

This examination of charter school autonomy has been founded on a series of linked assumptions: that high autonomy will yield greater educational innovation and choice options for students and parents and that greater innovation and choice will produce enhanced educational outcomes for students. Furthermore, it understands the goal of the charter school movement, as a whole, to be not simply the creation of a few exceptional schools but rather fundamental, broad-based educational change.

Yet as more charter schools are established in the Southwestern Region, several questions remain. How will charter schools actually use their enhanced autonomy to produce better results for students? Will charter schools adopt innovative and alternative organizational structures and instructional strategies or take traditional approaches to school-site design? Will charter schools actually succeed in improving student and teacher productivity and performance? Will charter school parents, students, and educators be more satisfied? And how will charter schools ultimately influence

The single and most pressing area of concern for legislators in the Southwestern Region is school accountability. This emphasis suggests that all states continue to perceive charter schools as an educational reform strategy that still must prove itself.

the quality of education for all students? Will the proliferation of charter schools foster competition and improvement throughout the entire public system? Or will the movement simply yield a scattering of schools for a select few?

Appendix

Technical Background on the Charter School Autonomy Framework

The analytical framework developed by Wohlstetter et al. (1995) was based on the assumption that charter schools must be "autonomous, self-governing organizations in order to maximize performance" (p. 13). The study was designed with two objectives: (1) to explore the concept of autonomy and identify conditions that foster self-governing schools; and (2) to operationalize the conditions of autonomy into a set of legislative "determinants" (or variables) and then use them to assess varying degrees of charter school autonomy as evidenced in state legislation.

Noting a lack of consensus within the education community regarding the critical elements of autonomy, Wohlstetter et al. (1995) began by conducting an extensive review of the relevant literature in education and political science. The concept of autonomy, as applied to schools that are "nested in—not released from—district or state authority," appears to include elements both internal and external to the school and implies empowerment at both the individual and the collective levels (pp. 8–9). As a result of their findings, the authors concluded that school autonomy is multidimensional and includes three critical components:

- Autonomy from higher levels of government
- Local or organizational autonomy (autonomy inside the school)
- Consumer sovereignty (autonomy for parents and students)

Working from the proposition that charter schools have the greatest possibility for meaningful reform when state policies permit a high degree of local school autonomy, Wohlstetter et al. (1995) sought to measure the degree to which state policies enabled or constrained charter schools' ability to act within each of these three dimensions of autonomy. Toward this end, the authors took a systematic approach to describing each dimension as a "continuum from constraint to freedom" (p. 13) and applying the resulting framework to charter school laws in 11 states.[7] First, for each dimension a set of five variables was identified as descriptive of different aspects of that condition of autonomy. Next, each variable was assigned a corresponding set of potential policy responses—that is, two or three ways in which legislative language might provide for charter school control over that variable. Each policy response indicates high, medium, or low school autonomy. Finally, the 11 state charter school policies were examined and coded according to how they provided for each autonomy variable. Final scores were ranked to determine which state policies afforded charter schools the greatest degree of autonomy, according to this analytical framework.

The following examples of high-autonomy states outside of the Southwestern Region, as determined by Wohlstetter et al. (1995), illustrate the national context in which the charter school state policies of Arkansas, Louisiana, New Mexico, and Texas have been analyzed.

Autonomy from Higher Levels of Government. States ranked highest by Wohlstetter et al. (1995) on this dimension of autonomy are Arizona, Hawaii, Michigan, and Minnesota. Arizona, Hawaii, and Minnesota allow direct charter school approval by a state-level board, and all except Hawaii guarantee an appeals or alternative approval process for schools initially denied a charter (Buechler, 1996; RPP International & University of Minnesota, 1997). All charter schools in Michigan and Minnesota, and those sponsored by the state board of education in Arizona, are legally autonomous. In keeping with the trend across the nation, however, charter schools in all these states are subject to

state-established reporting requirements or, in the case of Hawaii, state monitoring.

Arizona, Hawaii, and Minnesota charter schools enjoy blanket waivers of most state and local education rules and regulations (Buechler, 1996; Mulholland, 1996; RPP International & University of Minnesota, 1997). Arizona, however, unlike the other two states, requires all charter school students to undergo mandated state student assessments, and district-sponsored schools must negotiate waivers of district policies. Michigan holds charter schools responsible for most state education code but not local policies (Mulholland, 1996). Hawaii and Minnesota send operational funding directly from the state to charter schools, while the funding route in Michigan is dependent on who sponsors the school (Wohlstetter et al., 1995). Arizona's charter schools receive funding from a combination of state and local sources (RPP International & University of Minnesota, 1997).

Autonomy Inside the School. States ranked highest by Wohlstetter et al. (1995) on this dimension of autonomy are Arizona, Hawaii, Massachusetts, and Minnesota. As might be expected, in all four states charter schools enjoy high or relatively high autonomy over governance, with those in Arizona having full control over the composition of their governing bodies. In the other three states only broad guidelines are specified (Wohlstetter et al., 1995). The same is true of curriculum. Arizona requires only that charter school students undergo state-mandated assessments, and charter schools in Massachusetts can seek waivers of most state education code, including rules related to curriculum (Mulholland, 1996).

Three of the four states offer high budget autonomy; Arizona, Massachusetts, and Minnesota provide operations funding based on average state or district per-pupil revenue and grant charter schools control over all budget decisions. Hawaii's charter schools also receive full per-pupil revenue, but they must reimburse the state for administrative services used and have less than full authority over their budgets (Buechler, 1996; RPP International & University of Minnesota, 1997). Arizona, Massachusetts, and Minnesota charter schools also are exempt from existing district collective bargaining agreements, although school staff may bargain as a separate unit with the sponsoring agent if they choose (Mulholland, 1996; RPP International & University of Minnesota, 1997).

In contrast, only Hawaii offers to charter schools complete control over student admissions. Nationally, laws in all states seek to prevent discrimination. Most prohibit charter schools from making admissions decisions based solely on a student's ethnicity, race, national origin, religion, or disability. Many maintain that charter schools cannot ignore court-ordered desegregation plans or have an otherwise segregating effect on the distribution of their district's student population.

Autonomy of Parents and Students. The state ranked highest by Wohlstetter et al. (1995) on this dimension of autonomy is Massachusetts, by virtue of its strong legislative commitment to expanding choices within the public school system for parents and students. In this state, parents can organize and start a charter school, parents and students are free to apply to a charter school located in or outside their district, and charter schools must periodically report school progress to parents and the community. Although Massachusetts doesn't allow conversion of private schools, both existing public schools and new-start schools are permitted. As elsewhere in the nation, the state's most restrictive provision relates to the number of schools eligible for charter status. Legislation currently caps the number of Massachusetts charter schools at 25 (Mulholland, 1996).

Other states providing high autonomy to parents and students are California, Colorado, Michigan, and Minnesota. The first three allow parents to start a school; Colorado, Michigan, and

Minnesota allow for the conversion of private schools to charter school status (Buechler, 1996; Mulholland, 1996; RPP International & University of Minnesota, 1997). In contrast to Massachusetts, all four of these states demonstrate a more-expansive trend in the total number of charter schools allowed in the state. Michigan allows an unlimited number of charter schools to be sponsored by local and intermediate boards, with a high number also possible through state university sponsorship. California's state board of education has waived the cap of 100 charter schools established in the state's 1992 law, and Colorado's cap of 60 was removed in 1997 (Mulholland, 1996). Only Minnesota continues to incrementally increase the number of charter schools. Finally, although these four states provide varying degrees of intradistrict parental choice relative to charter schools, all except Michigan explicitly provide for charter school accountability to their students' parents and the community via periodic progress reports.

Notes and References

Notes and References

Notes

1. Jurisdictions referred to as "counties" in other states of the nation are referred to as "parishes" in the state of Louisiana. Except in a few areas, the state's school districts are contiguous with parish boundaries. Thus, Louisiana has predominantly parish school districts.

2. This variation is detailed in the analysis section of this paper.

3. Any student who attends a public school at which 50 percent or more of the students did not perform satisfactorily on designated state assessments in any two of the preceding three years is eligible for a public education grant. These students can choose to attend another school in their district or use a public education grant to attend any school in a district other than the district in which they reside. With this grant, the district chosen by the student become eligible for an additional per-pupil allotment based on the attendance of the student.

4. The consortium includes the Texas Center for Educational Research, North Texas State University, the University of Houston, and the University of Texas at Arlington.

5. This number must also include the three charters issued during the 1996–1997 charter school proposal period.

6. The study examined charter school laws in Arizona, California, Colorado, Georgia, Hawaii, Kansas, Massachusetts, Michigan, Minnesota, New Mexico, and Wisconsin.

7. Currently, 14 states and the District of Columbia school system have capped the allowable number of charter schools, although caps in three of the states will expire by the year 2000.

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